

R E M A R K S

Included with this response (by US Post Office mail) is a specimen of the present claimed invention. This specimen is being provided for the courtesy of the Examiner and supplement the comments hereinbelow.

The specification has been amended for purposes of clarity to correct an error in translation of the original PCT application. It is respectfully submitted that this amendment adds no new matter to the application and serves only to clarify the present invention.

Claim 23 has been formally amended strictly for purposes of clarifying the claim. It is respectfully submitted that no new issues are raised by these amendments. However, should the Examiner feel that these amendments raise new issues, Applicant will make amendments the Examiner deems necessary to remove any new issues that the Examiner considers are raised by the amendments to the claim.

Claim 23 was rejected under 35 USC 102(b) as anticipated by Welch 4,783,114 for the reasons stated in the Office Action.

The present claimed invention recites a door internal element (3) for motor vehicle doors (1) arranged between a door outer side and an inner lining (7). The door internal element (3) includes two solid boundary layers (52) and a foamed, porous central layer (54) formed between the two solid boundary layers. A sealing body is part of the door internal element and disposed at an edge of the two solid boundary layers.

As is clearly seen from the enclosed specimen of the present invention, Two plastic boundary layers are provided with a foam positioned therebetween. A sealing body extends around the edges of the two boundary layers sealing the boundary layers together.

Contrary to the assertions of the Examiner, Welsh neither discloses nor suggests "injected foam material" as in the present claimed invention. Welsh only discloses "moulded foam" (see for example column 3, line 8).

Further, Welsh neither discloses nor suggests the sealing body of the present claimed invention. Welsh neither discloses nor suggests the sealing body as part of the internal door element and disposed at an edge thereof as in the present claimed invention.

The Examiner states, that the injection foaming concerns only the manner in which the element is produced and it is therefore not a basis for patentability in a apparatus claim. However, this means inherently, that it is an integral part having the cross section with two solid boundary layers and a foamed, porous central layer which, (as previously explained in the response to the first office action), is not the case with Welsh.

In response to the first Office Action, it was stated that the door construction according to Welch (US 4,783,114) refers to a panel 14 and a panel 28 ("trim panel"), between which panels in a usual manner the foam 26 is situated. Column 2, lines 19 to 23, in Welch, shows the trim panel 28 overlies the foam (energy absorbing member 26). Further, there is stated in column 3, lines 8 to 11, that the energy absorbing member 80 maybe moulded in situ in the support panel 74. This means, that there is first

the support panel 74 and only then is the foam moulded - in situ - thereon. Welch neither discloses or suggests an integrally produced door internal element as in the present claimed invention. Moreover, such integrally produced element of the present claimed invention has in a cross section two solid boundary layers and a foamed porous central layer, unlike the construction of Welch.

Furthermore, claim 23 has been amended to recite the foam injected layer in a more positive manner and thus is a basis for patentability of the present claimed invention.

In view of the above remarks it is respectfully submitted that the present claimed invention is not anticipated by Welch. It is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Claims 24-37 and 39-44 were rejected under 35 USC 103(a) as unpatentable over Welch 4,783,114 in view of Kidd 4,848,829 on the grounds set forth in the Office Action.

Kidd was cited to disclose elements, such as cables "to be moulded into the foamed element of the door". The Examiner is of the opinion, that this is the same as an element "being moulded into the foam material". However, Kidd neither discloses nor suggests something described as "to be moulded into the foamed element". Furthermore, Kidd neither discloses nor suggests the sealing body as part of the internal door element and disposed at an edge thereof as in the present claimed invention.

In view of the above remarks, it is respectfully submitted that Kidd adds nothing when taken alone or in combination with Welch

that would make the present claimed invention unpatentable. It is further respectfully submitted that this rejection is satisfied and should be withdrawn.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "Version with markings to show changes made".

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the accompanying Amendment Upon Final Rejection is being facsimile transmitted to the Patent & Trademark Office on August 23, 2002.

Signed by Martin A. Farber

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USA National Stage Patent Application
PCT/EP99/00750 filed February 5, 1999
Eduard Brück
Serial No.: 09/601,846
Filed: September 19, 2000
INTERNAL ELEMENT FOR A DOOR
Examiner: Curtis Cohen
Group art unit: 3634

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Please replace the paragraph beginning on page 14, line 36 with the following paragraph:

The sandwich-like structure of the [spray-foamed] inject-foamed element 3 is based on planes of different densities, which in concrete terms means that the density of the door internal element 3 over a cross section in the immediate vicinity of an unfoamed boundary layer 52 is between 0.7 and 1.4 g/cm³. Boundary layer 52 means the regions taken up by the wide faces of the component and not the end face, which is referred to in the text above by 15, although this itself is also closed there by an extension of the boundary layer 52. This end layer, that is to say the peripheral hinterland of the end face 15, is denoted by the reference numeral 53. The density of the core of the door internal element 3 which is enclosed by the two solid boundary layers 52 and the encircling end layer 53, which core in the present case is in the form of a foamed porous central layer 54, by contrast is from 0.1 to 0.6 g/cm³.

IN THE CLAIMS

Please amend claim 23 as follows:

23. (twice amended) A door internal element (3) for motor vehicle doors (1), to be arranged between a door outer side and an inner lining (7), wherein the door internal element (3) [is produced by foam injection, and with respect to a cross section of the door internal element has] includes two solid boundary layers (52) and a [foamed] foam injected, porous central layer (54) formed between the two solid boundary layers whereby a sealing body is part of the door internal [door] element and disposed at an edge thereof.